



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/014,695	12/11/2001	Donnie Wayne Jackson	0182-1-1	3223

25207 7590 04/07/2004

POWELL, GOLDSTEIN, FRAZER, & MURPHY LLP
16TH FLOOR
191 PEACHTREE STREET, NE
ATLANTA, GA 30303-1736

EXAMINER

LEWIS, CHERYL RENE A

ART UNIT	PAPER NUMBER
----------	--------------

2177

DATE MAILED: 04/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/014,695

Applicant(s)

JACKSON ET AL.

Examiner

Cheryl Lewis

Art Unit

2177

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-13 are presented for examination.

INFORMATION DISCLOSURE STATEMENT

2. The information disclosure statements filed on May 28, 2002, paper no. 5, complies with the provisions of MPEP § 609. They have been placed in the application file, and the information referred to therein has been considered as to the merits.

DRAWINGS

3. The applicants' drawings filed on December 11, 2001 have not been approved by the draftsman. Refer to the attached PTO-948.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.

Art Unit: 2177

2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1, 3-8, and 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taira et al. (Pat. No. 5,930,806 filed December 4, 1997, hereinafter Taira) and de la Huerga et al. (Pat. No. 5,903,889 filed June 9, 1997, hereinafter de la Huerga).
6. Regarding Claims 1, 10, 12, and 13, Taira teaches a method and system for data migration from network database to relational database.

The method and associated system for data migration from network database to relational database as taught or suggested by Taira includes:

a migrator object means (Abstract, lines 1-6, 'A data migration system that enables...a record migration unit...', col. 3, lines 54 and 55, 'The data migration system comprises record migration...') for selectively generating data records (col. 3, lines 46-60, 'The network database 10 contains a class of source records..., a record migration

Art Unit: 2177

unit 1 creates target record sets 21 and 22...'); migrator object formulating received data records (figure 2, col. 5, lines 20-37, '...a computer 30 functions as a data migration system...computer 30 comprises a tool for converting data from a network database 50 to a relational database 60...a data migration program 32 for "RECORD-A" and a data migration program 33 for "RECORD-B"...'); migrator object storing data record in a database (col. 3, lines 44-63, '...a network database contains a class of source records...'); an originating system means (figure 1, element 10 'Network Database', figure 2, element 50 'Network Database'); a requestor stimulus (col. 6, lines 42-48) for retrieval of selected a data record (col. 6, lines 52-65, col. 7, lines 14-22).

However, Taira does not expressly teach a data record event and data files.

de la Huerga teaches a data record event (col. 7, lines 4-11, col. 9, lines 30-43, '...the record to identify additional information, such as patient information and the date and time of the record...', col. 14, lines 26-38, '...the file named "Cath987654321" may correspond to a catheterization report for the patient whose identification number is 987654321...file name and formatting instructions 162 may require that the date and time be located within the report..') of data records (Abstract, lines 1-7, '...retrieving, modifying, and collecting data records having a plurality of formats and distributed on a plurality of databases on a computer network...detecting various types, relationships and classifications of data records...'), an event table of data record events (col. 6, lines 62-67, col. 7, lines 1-15, '...contents of File Format Instruction Table 134 is seen in FIG. 3B, which includes records of each data type 136 stored by the database 106...a request for such date to a format appropriate to the data type...'') displayable (col. 3,

Art Unit: 2177

lines 9-13, '...data records may be retrieved, displayed, and controlled through a single interactive display program...', col. 11, lines 6-14, col. 15, lines 42-51, figure 8B 'Charles F. Smith, Cardiology records from 15-AUG-1998 to 23-AUG-1998, Ecg Reports...', figure 9B 'Charles F. Smith, Ecg records from 15-AUG-1998 to 23-AUG-1998, 15-AUG-1998 09:15, 15-AUG-1998 14:40'); and a selection and transmission of a data file (col. 7, lines 4-11 and 18-30, col. 14, lines 6-15).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the data records of Taira's method with the data records of de la Huerga's method because de la Huerga's method enables tracking data records distributed among a plurality of databases, wherein a user can retrieve a specific data record by entering a keyword associated with a patient's record, reformat a data record with hypertext links to related patient records, and have the retrieved requested data record displayed on a browser (col. 3, lines 30-43 and 55-67).

7. Regarding Claim 3, Taira teaches a controller object (figure 2, elements 31-33) in communication with the requestor object (col. 6, lines 42-48).

de la Huerga teaches graphical user interface means (col. 5, lines 30-51), instruction into commands for the communication objects (col. 14, lines 6-15, col. 11, lines 17-28), and user attribute means (col. 3, lines 65-67, col. 4, lines 1-5).

8. Regarding Claim 4, de la Huerga teaches the means which essentially comprises the same means as scheduling formulating a schedule for data records (col. 9, lines 30-43, col. 14, lines 26-38).

Art Unit: 2177

9. Regarding Claim 5, Taira teaches the migrator object (Abstract, lines 1-6, 'A data migration system that enables...a record migration unit...', col. 3, lines 54 and 55, 'The data migration system comprises record migration...' receiving database attribute data (col. 8, lines 34-46, '...network database 50 contains employee records 50a and family records 50b...employee records 50a consist of "Name" and "Managerial position" fields...').

10. Regarding Claim 6, Taira teaches attribute data being selected from various database fields (col. 8, lines 34-46, '...family records 50b consist of "Name" and "Relationship" fields...').

11. Regarding Claim 7, de la Huerga teaches a data event comprises appending attribute data to selected user's data record (col. 8, lines 37-64).

12. Regarding Claims 11, de la Huerga teaches the data records comprise text data (col. 15, lines 42-55).

13. Regarding Claim 8, de la Huerga teaches storage media (col. 15, lines 42-55).

14. Claims 2 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taira et al. (Pat. No. 5,930,806 filed December 4, 1997, hereinafter Taira) and de la Huerga et al. (Pat. No. 5,903,889 filed June 9, 1997, hereinafter de la Huerga) as applied to claim 1 above, and further in view of Johnson et al. (Pat. No. 5,813,009 filed July 28, 1995, hereinafter Johnson).

15. Regarding Claims 2 and 9, Taira teaches the Administrator means (figure 2, element 30) and the Originating System means for archiving and retrieving data records (figure 1, element 10 'Network Database', figure 2, element 50 'Network Database').

de la Huerga teaches the means which essentially comprise the same means as maximum age of data records (col. 18, lines 20-30).

Taira and de la Huerga do not expressly teach an Auto-Purge means of data records and the server module means.

Johnson teaches an Auto-Purge means of data records (col. 4, lines 22-28, col. 22, lines 4-11) and the server module means (col. 25, lines 61-65).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the storage of data records of Taira and de la Huerga's method with the stored data records method of Johnson because Johnson's method could provide a data storage retention time period for the storage method of Taira and de la Huerga, wherein the data storage retention time period is a preset criteria for tracking the retention of stored data records, at the end of the retention time period, data records that are flagged by the system manager for removal are purged from the system (col. 4, lines 60-67).

CONCLUSION

16. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

A. Asano (U.S. Pat. No. 6,651,076 B1) discloses an archive computer system and method for storage and retrieval of records; and

B. Alley et al. (U.S. Pat. No. 5,710,922) discloses a method for synchronizing and archiving information between computer systems.

Art Unit: 2177

NAME OF CONTACT

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl Lewis whose telephone number is (703) 305-8750. The examiner can normally be reached on 6:30-3:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (703) 305-9790. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

(703) 746-5651 (Use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper/amendment be faxed directly to them on occasions.).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



Cheryl Lewis
Patent Examiner
April 2, 2004



JOHN BREENE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100